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FILED

DISTRICT COURT OF GUAM

FEB 19 2005 mba

MARY L.M. MORAN
CLERK OF COURT

(1)

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10 05-00009

11 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. _____
12 Plaintiff,)
13 vs.)
14)
15 DANIEL MATSUNO and)
VIVIAN MATSUNO,)
16 Defendants.)
17 _____)

INDICTMENT

CRIMINAL CONSPIRACY
[18 U.S.C. §§ 2 & 371]
(Count I)

WIRE FRAUD
[18 U.S.C. §§ 2 & 1343]
(Count II)

18 THE GRAND JURY CHARGES:

19 INTRODUCTION

20 1. At all times pertinent hereto, Atkins Kroll, Inc. (AK) was a car dealership. AK had
21 "dealership agreements" with two banks, First Hawaiian Bank and Bank of Hawaii. The
22 dealership agreements provided that persons purchasing cars from AK could obtain a favorable
23 interest rate by financing the vehicle through AK, which would help the customer obtain a credit
24 report, fill out the loan application, and execute other papers necessary to obtain the loan. AK
25 would then submit the customer's loan application packet to either the Bank of Hawaii or First
26 Hawaiian Bank for processing and approval or denial. If the loan was approved, AK would get a
27 percentage of the loan in compensation for having referred this customer to the bank.
28

1 2. At all times pertinent hereto, DANIEL MATSUNO was president of Pacific Wine &
2 Spirits, Inc. VIVIAN MATSUNO was his wife.

COUNT I - CRIMINAL CONSPIRACY

4 3. The Grand Jury incorporates and realleges herein Paragraphs 1 and 2.
5 4. Beginning on or about February, 2002, and continuing through March 30, 2002, in the
6 District of Guam, the defendants herein, DANIEL MATSUNO and VIVIAN MATSUNO,
7 together with Thu Loan Thai Dang, did unlawfully, willfully, and knowingly combine, conspire,
8 confederate and agree among themselves and each other to commit an offense against the United
9 States, to-wit: Wire Fraud, in violation of Title 18, United States Code, § 1343.

OBJECT OF THE CONSPIRACY

11 5. It was an object of the conspiracy for DANIEL MATSUNO and VIVIAN MATSUNO
12 to assist Thu Loan Thai Dang to obtain a loan for a 2002 Lexus automobile by falsely certifying
13 on her loan application that Thu Loan Thai Dang was employed by Pacific Wine & Spirits, Inc.

MANNER AND MEANS OF THE CONSPIRACY

15 The object of the conspiracy was to be accomplished, and was accomplished, as follows:

16 6. It was part of the conspiracy that Thu Loan Thai Dang would apply for a loan through
17 AK for the purchase of a 2002 Lexus automobile from that dealership. The loan application
18 required that Thu Loan Thai Dang list her employment and monthly salary, and that she obtain
19 certification from her employer that she was in fact so employed.

20 7. It was part of that conspiracy that DANIEL MATSUNO would execute a Verification
21 of Employment form provided by Atkins Kroll, and provide Thu Loan Thai Dang with a false
22 paycheck to make it appear that she was an employee of Pacific Wine & Spirits, Inc.

OVERT ACTS

24 In furtherance of the conspiracy and to achieve the objects thereof, the defendants and
25 their co-conspirator Thu Loan Thai Dang, committed and caused to be committed the following
26 overt acts in the District of Guam:

27 8. Thu Loan Thai Dang asked VIVIAN MATSUNO to assist her to obtain a loan for an

1 automobile from AK because Dang knew the loan application would require her to indicate
2 whether she was employed and her monthly income, when Dang knew she had no legitimate
3 employment and no legitimate income. Accordingly, Dang asked VIVIAN MATSUNO to ask
4 her husband, DANIEL MATSUNO, to assist her to obtain the loan by making it appear that Dang
5 was employed by Pacific Wine & Spirits, Inc., though in fact Dang was not and never had been
6 an employee of Pacific Wine & Spirits, Inc. VIVIAN MATSUNO asked her husband DANIEL
7 MATSUNO to so assist Dang by making it appear Dang was his employee.

8 9. On March 7, 20094, DANIEL MATSUNO executed the AK "Request for
9 Employment Information" form certifying that Thu Loan Thai Dang was employed by Pacific
10 Wine & Spirits as a Sales Manager, and was making a gross monthly income of \$3,000.

11 10. DANIEL MATSUNO wrote check # 5204 drawn on the account of Pacific Wine &
12 Spirits, Inc. at the Bank of Guam, for \$1,191.25. DANIEL MATSUNO noted on the
13 memorandum section of the check "01/16/2002-02/38/2003 Pay Peri," so that it appeared to be a
14 payroll check for Dang for the period February 16 - February 28, 2002.

15 11. Dang submitted the credit application, verification of employment, and payroll check
16 to AK for the purpose of obtaining a loan to purchase a 2002 Lexus.

ALL IN VIOLATION of Title 18, United States Code, §§ 2 and 371.

COUNT II - WIRE FRAUD

19 12. The Grand Jury adopts and incorporates herein Paragraphs 1 through 11.

20 13. On or about March 8, 2002, in the District of Guam, the defendants herein, VIVIAN
21 MATSUNO and DANIEL MATSUNO, did knowingly devise and intend to devise a scheme and
22 artifice to defraud and for the purpose of obtaining money and property by means of false and
23 fraudulent pretenses and representations, to-wit: by certifying to Atkins Kroll that Thu Loan Thai
24 Dang was employed as a sales manager for Pacific Wine & Spirits, Inc., making a gross monthly
25 salary of \$3,000, said pretenses and representations being material to the scheme and artifice to
26 defraud, and for the purpose of executing said scheme and artifice, did cause to be transmitted in
27 interstate and foreign commerce, by means of a wire communication, certain signs, and signals,

1 to-wit: communications concerning whether Thu Loan Thai Dang had been approved for a loan
2 to purchase a 2002 Lexus,

3 ALL IN VIOLATION of Title 18, United States Code, §§ 2 and 1343.

4 Dated this 9th day of February, 2005.

5 A TRUE BILL.

6 
7 _____

8 Foreperson

9 LEONARDO M. RAPADAS
10 United States Attorney
Districts of Guam and NMI

11 By: 
12 KARON V. JOHNSON
Assistant U.S. Attorney

13 Approved:

14 
15 RUSSELL C. STODDARD
First Assistant U.S. Attorney